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March 9, 2016

VIA CM/ECF

Honorable Jose L. Linares  
United States District Judge  
Martin Luther King Federal Building  
50 Walnut Street  
Newark, New Jersey 07102

Re: *In re: Liquid Aluminum Sulfate Antitrust Litigation*, 2:16-md-2687 (JLL) (JAD)

Dear Judge Linares:

I respectfully submit my application for appointment to the Plaintiffs' Steering Committee ("PSC") in this multidistrict litigation for Your Honor's consideration. I possess the requisite qualifications and experience required under Rule 23(g) Fed.R.Civ.P. If entrusted with a PSC appointment, I pledge to devote my time, as well as our firm's resources, to working with my colleagues to vigorously represent the plaintiffs and putative class members in this litigation.

**Experience in Handling Class Actions and Complex Litigation, and Knowledge of Applicable Law.** I possess the requisite qualifications, experience, and knowledge for a leadership appointment in this multidistrict litigation. Over the past two decades, I have been appointed to a number of leadership positions in federal and state court class actions, including cases involving antitrust claims. I have also tried complex cases before judges and juries, including trials of certified class actions.

For the past six years, I have served as Plaintiffs' Coordinating Counsel in *In re Checking Account Overdraft Litigation*, MDL 2036, before Senior District Judge James Lawrence King in the Southern District of Florida. In that role, I have been responsible for organizing and managing a team of over 100 lawyers in pursuing a series of class actions on behalf of millions of current and former bank customers against approximately 30 of the nation's largest banks. I chaired teams that developed and implemented strategies for prosecuting the class action litigation; served as the primary contact with defense counsel; acted as the plaintiffs' liaison with the Court regarding the management and administration of the litigation; conducted substantial fact and expert discovery, class certification proceedings, and other aspects of the litigation; and led or participated in settlement negotiations with 17 of the bank defendants and the ensuing settlement approval proceedings. To date, our efforts in the *Overdraft MDL* have resulted in the recovery of over \$1.1 billion, including settlements with Bank of America (\$410 million), Citizens Financial (\$137.5 million), JPMorgan Chase Bank (\$110 million), PNC Bank (\$90 million), TD Bank (\$62 million), U.S. Bank (\$55 million), Union Bank (\$35 million) and Capital One (\$31.7 million). Because the

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*Overdraft MDL* is in its later stages, I have the time and resources to devote to this multidistrict litigation.

I have also been appointed to leadership positions in class actions involving federal and state antitrust laws. I am currently serving as Plaintiffs' Liaison Counsel in *In re Disposable Contact Lens Litigation*, MDL 2626, before Senior District Judge Harvey E. Schlesinger in the Middle District of Florida, multidistrict litigation involving federal and state antitrust claims brought against the manufacturers of disposable contact lenses. I previously served as Indirect Purchaser Plaintiffs' Liaison Counsel in *In re Terazosin Hydrochloride Antitrust Litigation*, MDL 1317, before Senior District Judge Patricia A. Seitz in the Southern District of Florida, multidistrict litigation involving federal and state price fixing claims against manufacturers of a drug used for the treatment of hypertension and enlarged prostate that were settled for over \$74 million.

In addition to my MDL leadership experience, I have extensive experience trying certified class actions before judges and juries. Over the past decade, I served as lead counsel in a series of class actions brought on behalf of approximately 200,000 Florida homeowners to recover full compensation under the takings clause of the Florida Constitution based on the Florida Department of Agriculture's destruction of the homeowners' private property. My argument before the Florida Supreme Court paved the way for the homeowners to pursue their claims, and I served as lead trial counsel in liability and compensation trials on behalf of four certified classes that resulted in judgments awarding over \$76 million as compensation to the homeowners.

During 2015, I served as an Adjunct Professor at Vanderbilt University Law School, where I co-taught a course on complex litigation in federal courts that focused on multidistrict litigation and class actions (together with Professor Brian T. Fitzpatrick). Professor Fitzpatrick and I recently published an article entitled *An Empirical Look at Compensation in Consumer Class Actions*, 11 NYU Journal of Law & Business 767 (2015), following our presentation on *Consumer Class Actions: Data and Reform* at the New York University Law School, Center on Civil Justice, Conference on Consumer Class Actions. I frequently lecture and make presentations on complex litigation and class actions, and have been invited as a guest lecturer at Harvard Law School, and as a panelist at the Practicing Law Institute's Annual Consumer Financial Services Institute and the American Conference Institute's National Conference on Consumer Finance Class Actions and Litigation.

**Resources to Prosecute the Litigation.** We have considerable resources at our disposal to prosecute this litigation. Our firm includes over 45 lawyers plus more than 25 support staff. I chair the firm's class action and complex litigation practice, and will be supported by as many of our attorneys and staff as are needed to properly staff this matter. If honored with a PSC appointment, I commit to provide the time and resources to fulfill my responsibilities from the date of appointment until this matter is concluded. An abbreviated personal and firm resume is attached as Exhibit 1.

**Efforts to Identify and Investigate Potential Claims.** We have been actively involved in this litigation since its earliest days. Our firm (together with Robbins Geller Rudman & Dowd)



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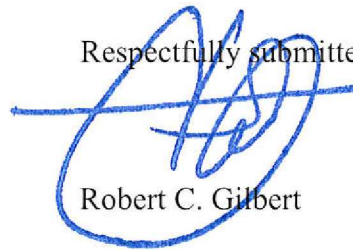
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filed the first complaint in the Eastern District of Pennsylvania.<sup>1</sup> Our client, Environmental Research & Design, Inc. ("ERD"), is a specialized environmental engineering firm that provides water quality research and engineering services to public clients throughout Florida, Indiana and Washington State. ERD was founded by Dr. Harvey H. Harper, P.E., an expert on water quality who has worked with the United States Environmental Protection Agency and the Florida Department of Environmental Protection. As part of its services, ERD purchases and uses aluminum sulfate ("AS"), and purchased AS from one or more of the named Defendants during the class period. As part of our investigation, we obtained a wealth of information from ERD and are confident that ERD's active participation in this litigation will benefit the putative class.

**Ability to Work Cooperatively.** I consider my ability to work cooperatively with other counsel to be among my strongest attributes. I enjoy collaborating with fellow plaintiffs' counsel in a team approach. I also work hard to cultivate and maintain positive working relationships with defense counsel.

Based on my qualifications, experience, and knowledge, I am confident that I can make a substantial contribution to the leadership team if honored with an appointment to the PSC. Thank you for your consideration of my application. I look forward to the opportunity to serve and appear before Your Honor in this multidistrict litigation.

Respectfully submitted,



Robert C. Gilbert

cc: Counsel of Record via CM/ECF

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<sup>1</sup> *Environmental Research & Design, Inc., et al. v. General Chemical Corp., et al.* (E.D. Pa., filed December 3, 2015).